

Richard C. Vasquez (CA SBN # 127228)
Eric W. Benisek (CA SBN # 209520)
Craig E. Davis (CA SBN # 221356)
Stephen C. Steinberg (CA SBN # 230656)
VASQUEZ BENISEK & LINDGREN LLP
3385 Mt. Diablo Blvd., Suite 300
Lafayette, California 94549
Telephone: (925) 627-4250
rvasquez@vblaw.com
ebenisek@vblaw.com
cdavis@vblaw.com
ssteinberg@vblaw.com

Attorneys for Defendant
SMC NETWORKS, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

OPTIMUMPATH, L.L.C.,

Plaintiff,

vs.

BELKIN INTERNATIONAL, INC.,
BUFFALO TECHNOLOGY (USA), INC.,
CISCO-LINKSYS, LLC, COMPEX, INC.,
D-LINK SYSTEMS, INC. NETGEAR, INC.
AND SMC NETWORKS, INC.,

Defendants.

Case No: 4:09-cv-01398-CW

**STIPULATION OF DISMISSAL OF
DEFENDANT SMC NETWORKS, INC.**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), IT IS HEREBY STIPULATED by and between Plaintiff OptimumPath L.L.C. (“OptimumPath”) and Defendant SMC Networks, Inc. (“SMC Networks”) (collectively referred to as “The Parties”), through their counsel of record, that:

(1) All claims presented by OptimumPath directed at SMC Networks in OptimumPath’s Complaint shall be dismissed WITH PREJUDICE;

(2) SMC Network's Counterclaims for non-infringement, invalidity, and unenforceability shall be dismissed WITH PREJUDICE; and

(3) The Parties shall bear their own costs and attorneys' fees.

DATED: April 6, 2011

/s/ Corby R. Vowell, with permission
by Craig E. Davis

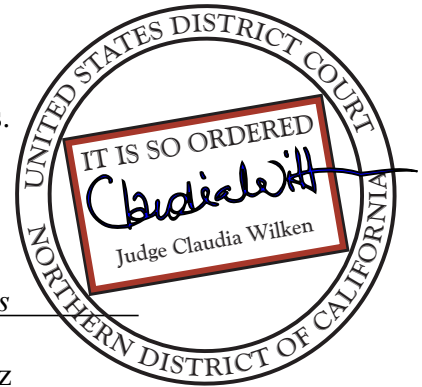
Corby R. Vowell
GOLDSTEIN & VOWELL, LLP
1177 West Loop South, Suite 400
Houston, Texas 77027
Telephone: (713) 877-1515
Facsimile: (713) 877-1737

ATTORNEYS FOR PLAINTIFF
OPTIMUMPATH, L.L.C.

/s/ Craig E. Davis

Richard C. Vasquez
Eric W. Benisek
Craig E. Davis
Stephen C. Steinberg
VASQUEZ BENISEK & LINDGREN LLP
3685 Mt. Diablo Blvd., Suite 300
Lafayette, California 94549
Telephone: (925) 627-4250
Facsimile: (925) 403-0900

ATTORNEYS FOR DEFENDANT
SMC NETWORKS, INC.



CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically on April 6, 2011.

/s/ Craig E. Davis
CRAIG E. DAVIS